

DEVELOPMENT IMPACT STATEMENT

FOR

ONE FRAMINGHAM CENTRE, LLC

**1, 5 and 17 Edgell Road
Framingham, MA 01701**

DATED: May, 2016

**DEVELOPMENT IMPACT STATEMENT
1, 5 and 17 Edgell Road
FRAMINGHAM, MASSACHUSETTS
May, 2016**

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I. DESCRIPTION OF THE PROJECT

1.1 DEVELOPMENT HISTORY.

In the early 1970's, the property, 1, 5, and 17 Edgell Road, which is the subject matter of these Applications, was reconstructed. Specifically, approval was granted for the construction of two (2) additional buildings on the Premises. Those buildings are now known as 1 and 5 Edgell Road. 17 Edgell Road contained a restaurant use, the operation of which stopped in 2015.

1 Edgell Road is a 2 ½ story building which consists of approximately 14,500 square feet. The building is located at the corner of Edgell Road and its intersection with the westbound ramp of Route 9. The building is approximately 16.5 feet from the Route 9 ramp and ten (10) feet from the corner of Edgell Road. The building contains a mix of uses, including retail, personal services, restaurant, offices (both medical and non-medical) and wholesale. In 2015 approvals were received for the creation of twenty (20) outdoor seats for Volturno's Restaurant (A copy of the 2015 Decision is attached).

The building known as 5 Edgell Road was also constructed in the early 1970's, and the two (2) story building consists of approximately 17,700 square feet. The building is set back approximately twenty-six (26) feet from Edgell Road and approximately 8.2 feet from the northerly property boundary. The building contains a mix of uses, including retail, offices and a fast food establishment.

The final building is known as 17 Edgell Road and contains a restaurant. The building consists of approximately 5,000 square feet and is located over one hundred forty (140) feet from the easterly property boundary and over two hundred fifty (250) feet from Edgell Road.

Access to the property is via a one-way entry from Edgell Road and an entry/exit (right in/right out) from the Westbound Route 9 Ramp.

The property is now located in a Community Business 2 District (B-2). The lot complies in all respects with the Dimensional Requirements applicable for lots within a B-2 District. Specifically, the lot has in excess of 96,000 square feet, whereas only 8,000 square feet of area is required. Additionally, the lot has over four hundred (400) feet of frontage on the Route 9 Ramp and over two hundred (200) feet of frontage on Edgell Road, whereas only sixty-five (65) feet of frontage is required.

The development of the property is non-conforming as it relates to a number of Dimensional Requirements. Specifically, buildings within the B-2 District are currently required to be set back a minimum of twenty-five (25) feet from the street and fifteen (15) feet from lot lines. As noted, the building at 1 Edgell Road does not provide a twenty-five (25) foot setback to either the Route 9 Ramp or Edgell Road. Further, the building at 5 Edgell Road does not provide a fifteen (15) foot setback to the northerly property line. The buildings are, therefore, non-conforming to the current regulations relating to setbacks.

The size of the buildings does not comply with the Floor Area Ratio. Since the late 1990's, the Floor Area Ratio in the Business District (former zoning and now for the B-2 District) has been limited to .32. The Buildings, which existed prior to the 1990s, consist of approximately 37,023 square feet, which establishes a Floor Area Ratio of .383. (Lot size 96,775 square feet) Buildings within a B-2 District are allowed to be three (3) stories and forty (40) feet in height, therefore, the buildings comply with the Height Requirements. In addition, the By-law requires that commercially used lots in the B-2 District provide Open Space equal to twenty

(20%) percent of the lot. The Premises contains approximately 13,585 square feet of Open Space (14.04%) and is, therefore, non-conforming.

Over the years, various approvals have been obtained and various uses have changed in connection with the Premises. At the present time, there is approximately 19,500 square feet of office, 1,600 square feet of medical office, approximately 1,200 square feet of retail services, approximately 1,700 square feet of health/recreational services and approximately 11,500 square feet of restaurant space.

In addition to the site's non-conformity with the Floor Area Ratio, Setback and Open Space Requirements, the site is also non-conforming as it relates to the Parking Requirements. Specifically, the parking lot has been in existence for decades, and the existing parking spaces do not meet the current 9' × 18' standard dimensions nor, in some instances, the twenty-four (24) foot back-up requirement. Further, the parking lot does not satisfy the Parking Location Requirements as the parking relates to setbacks from property lines or streets. Finally, the site does not provide for the required number of parking spaces (Special Permit for Reduction in the Required Number of Parking Spaces dated May 1, 2015; copy attached).

1.2 Project Description and Design.

The Applicant proposes to demolish the existing Restaurant Building (approximately 5,000 square feet) and construct a new Restaurant of approximately 4,800 square feet. As a result of the change, the existing non-conforming Floor Area Ratio will be reduced. The restaurant is proposed as a full service restaurant with a capacity of 182 seats. The operation is anticipated to involve approximately sixteen (16) employees. The plan submitted includes the proposed new building. In addition, changes are being made to the Parking Lot to make the parking spaces

satisfy the current dimensional requirement for parking spaces of 9' × 18', thereby eliminating the parking space dimensional non-conformity.

The Applicant proposes to complete up-grades of the site, including significant revisions to the parking lot. In addition, the Applicant proposes to up-grade the existing Restaurant Building through its demolition and replacement. A new one-story restaurant consisting of approximately 4,800 square feet is proposed. The Building will be located in compliance with the Setback Requirements of the By-Law. The new construction is estimated to decrease the restaurant size by approximately 200 square feet; thereby, reducing the Floor Area Ratio. No building changes are proposed for either 1 or 5 Edgell Road. Accordingly, with the approval of the Project, the existing non-conforming Floor Area Ratio will be reduced.

The proposed restaurant specializes in breakfast and lunch, although it proposes to be open throughout the day. Although there is an increase in seating and employees from the current restaurant operation, the proposed use with the number of parking spaces proposed will adequately service all of the businesses on the site. The proposed restaurant will have peak operating hours different from the other restaurants and users of the site and, of course during Saturdays and Sundays, the parking demand for the office and retail uses will be diminished to offset the needs of the new restaurant.

II. PARKING IMPACT ASSESSMENT.

2.1 Design of Parking Facility.

As noted, the current parking facility is non-compliant as to the dimensions and location of the spaces. The current parking facility is also deficient in providing the required number of spaces. In 2015, the Planning Board issued a Special Permit for the Reduction of the Required Number of Spaces authorizing the use of a portion of 1 Edgell Road for a restaurant facility for

one hundred twenty (120) seats including twenty (20) outside seats. That operation has not commenced, however, Building Permits have been obtained for the proposed use and it is anticipated that the outside seating and other building changes will be completed within the next few months.

The proposed changes to the parking lot include a conversion of the existing one-way entry on Edgell Road to an entry and exit. As depicted on the plans, changes will be made to the entry to prohibit left hand turn movements out of the site. Proper signage is also shown on the plan.

Other changes to the site include the up-grading of the parking spaces to provide for parking spaces that are nine (9) feet wide by eighteen (18) feet in depth. Additional parking space changes are proposed to satisfy the Handicap Requirement. Accordingly, with the proposed construction, the parking spaces will satisfy the Dimensional Standards.

The parking layout will continue to be non-conforming in two (2) regards. First, the existing parking spaces along the easterly property line, which are within five (5) feet of the property line, will be maintained. Those spaces will remain as is. Secondly, under Section IV.B.3.b., parking spaces are not allowed as of right between a building and a public street. The Planning Board may grant a Special Permit to allow up to fifteen percent (15%) of the required off-street parking spaces within said area, upon a finding that the Applicant has provided the equivalent of twenty percent (20%) of the off-street parking spaces within said prohibited area as pocket parks. As depicted on the plan, there are eighteen (18) parking spaces between the building and Route 9. Accordingly, 522 square feet of pocket parks ($9' \times 18' \times 18 \times .2 = 522$ square feet) is required. As depicted on the plan, two (2) areas for pocket parks with benches and

tables are provided to comply with the Special Permit Requirement. The area for the pocket parks exceeds 522 square feet.

The improvements include provisions for bike racks and pedestrian access throughout the site. Sidewalks presently exist along Edgell Road and Route 9. According the Project complies with the standards for Complete Streets and pedestrian access.

2.2 Number of Parking Spaces.

As noted, the Property consists of a Mixed Use Facility. Of the Mixed Use Facility, 19,500 square feet of space represents office space, which pursuant to the requirement of one (1) space for every 250 square feet requires 78.2 parking spaces, 1,600 square feet of space represents medical office space, which at a ratio of one (1) space for every 150 square feet of space, requires 10.6 parking spaces, 1,200 square feet of space represents retail services, at a rate of one (1) parking space for every 200 square feet, requires 6 parking spaces, 1,700 square feet of space represents health/recreational uses, with an occupancy of fifteen (15) people, which at a ratio of one (1) parking space for every three (3) occupants, requires five (5) parking spaces. There is one Fast Food Restaurant with twelve (12) seats and three (3) employees, requiring 5.5 parking spaces. With the new restaurant, the restaurants will have a total seating capacity of 393 and a total of 34 employees; thereby requiring 148 parking spaces (1 per 3 seats plus 1 per 2 employees). Accordingly, in total there is a requirement for 255 parking spaces.

Pursuant to Section IV.B.1.e., the Planning Board may grant a Special Permit for the Reduction in the Required Number of Parking Spaces. The mix of uses on the site has been in existence for decades and there has never been a problem meeting the actual parking demand for the site. In April, 2015, in connection with the proposed conversion of the office space for the Volturno's Restaurant, parking counts were conducted. The following sets forth the schedule as

to the number of vacant parking spaces when the site was in full occupancy (prior to 17 Edgell Road restaurant vacating the premises).

<u>Date of Inspection</u>	<u>Time</u>	<u>Vacant Parking Spaces</u>
April 17, 2015	1:00 p.m.	72
April 19, 2015	1:35 p.m.	119
April 20, 2015	6:00 p.m.	87
April 22, 2015	12:45 p.m.	74
April 28, 2015	10:45 a.m.	87
May 1, 2015	4:55 p.m.	124

Accordingly, due to the mix of uses, a significant number of spaces are available for the proposed restaurant. As shown the proposed use of the site will certainly not require 255 spaces. At the time that the parking counts were conducted, the site only provided for 166 spaces.

The Request for the Reduction in the Number of Parking Spaces satisfies the requirements for the issuance of a Special Permit. Specifically, there is no other parking available on the site for additional parking. Further, as noted, the actual usage of the site does not necessitate 255 parking spaces. The proposed restaurant, which will specialize in breakfast and lunch, operates at a peak capacity different from the peak demands of the other uses of the site. Accordingly, the provision for 158 spaces will more than satisfy the actual parking demand and will not compromise public safety.

The Applicant has made changes to satisfy the intent of the Off-Street Parking Regulations through the re-design of the parking spaces so that all the spaces comply with the Dimensional Standards of the By-Law. As the site will be self-contained and as exits and entries are on to public ways, abutting properties will not be impacted as a result of the proposed use. Accordingly, the proposed Mixed Use Facility with provision for 158 parking spaces will operate in a manner so as not to impact abutting properties.

The availability of restaurant uses on the site is an amenity to the site and to the employees in the area. Accordingly, the use by the employees within the area, (easy walk from Framingham Center) as well as the employees on the site does not necessitate meeting the required number of spaces. Accordingly, the location of the property and the mix of uses does not necessitate that two hundred fifty-five (255) parking spaces be provided.

III. ENVIRONMENTAL IMPACT ASSESSMENT.

3.1 Potential Impacts.

There is no record of any problems with the existing drainage systems and as the impervious coverage will not change (less than 100 square feet decrease), the functioning of the drainage system for the parking lot which will continue to direct all flow to the existing system will not create any detrimental impact.

3.1.1 Air Quality.

The substitution of the restaurant use to a new building will not have a negative effect upon air quality.

3.1.2 Surface Water.

All surface water will flow to the existing drainage system, as shown on the plan. Accordingly, there will be no impact to surface water, as there will be no change in the drainage on the site resulting from the proposed changes.

3.1.3 Ground Water.

Ground water will not be impacted as there will be no increase in the impervious condition of the site.

3.1.4 Flooding, Erosion & Sedimentation.

As the site is flat and erosion controls are proposed, the Project will not result in any flooding, erosion or sedimentation.

3.1.5 Hazardous Materials.

The restaurant use will not involve the use of any hazardous materials.

3.1.6 Temperature and Wind Conditions.

The new one-story building as the replacement of the existing three-story building will not impact temperatures or wind conditions to abutting properties.

3.1.7 Light and Noise Impacts.

New and better lighting is proposed. Accordingly, there will be no detrimental impact to abutting properties.

3.1.8 Land Disturbances.

As shown on the Plans, there are no significant site elevation changes and, therefore, the proposed changes are not subject to the Land Disturbance Regulations.

3.2 SYSTEMS CAPACITY.

3.2.1 Water Demand.

The Project will result in an increase in water demand. Water demand from the proposed change in use (increase from 110 to 182 seats), which is based upon thirty-five (35) gallons per person per day, will result in a total requirement for the new restaurant facility of approximately two thousand five hundred twenty (2,520) gallons per day. The building will be serviced by municipal water. The requirement for an increase of two thousand five hundred twenty (2,520) gallons per day of water demand will not have any detrimental impact to the municipal system.

3.2.2. Sewerage Disposal.

As with the water conditions, there will be a two thousand five hundred twenty (2,520) gallon demand for sewer capacity from the new restaurant operations. The building will be served by sewer service lines and the increase in the discharge will not have any negative impact upon the municipal system. Appropriate sewer user fees and connection fees will be paid.

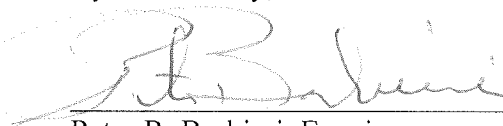
3.2.3 Solid Waste Disposal.

The solid waste from the Project will be handled by private dumpsters.

IV. STANDARDS FOR APPROVAL.

The information submitted with these Applications, including the Development Impact Statement and Site Plans; detail the redevelopment of the Site and its compliance with applicable requirements subject to approval of the Site Plan Review Application (Section IV.I.2.a.) and the Applications for Special Permit for Reduction in the Required Number of Parking Spaces (Section IV.B.1.f.) and Special Permit for the Location of Parking Spaces (Section IV.B.3.b.), thereby authorizing the change in the use of the Premises.

ONE FRAMINGHAM CENTRE, LLC
By its Attorney,



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**Decision of the Framingham Planning Board on the
Application of One Framingham Centre, LLC
For Site Plan Review and a Special Permit for a Reduction in the Required Number of Off-Street
Parking Spaces
1 Edgell Road, Framingham, MA
Date of Decision: May 18, 2015**

2015 MAY 19 P 1:20
TOWN CLERK

STATEMENT OF FACTS

On April 15, 2015, the Applicant, One Framingham Centre, LLC, filed with the Planning Board, and on April 15, 2015, the Planning Board filed with the Town Clerk and Town Departments, applications for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law. The Application was filed to change the use of approximately 3,658 square feet of space from office to a 120 seat restaurant which will include 20 exterior seats resulting in the need for 29 additional off-street parking spaces. The parcel is located at 1 Edgell Road, located in the Community Business (B-2) Zoning District and Highway Corridor (HC) Overlay District. Said parcel is shown on the Framingham Assessor's Map Sheet 225, Block 47, Lot 10.

After the notice of the public hearing was published in "The MetroWest Daily News" on April 20, 2015 and April 27, 2015 and mailed to parties of interest pursuant to the Framingham Zoning By-law and M.G.L. Chapter 40A, the Planning Board opened the public hearing on May 4, 2015 at 7:00 pm in the Blumer Room, Memorial Building, Framingham. A continued public hearing was held on May 18, 2015 for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law.

The Planning Board voted to approve the for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law, with conditions on May 18, 2015.

The Applicant has filed with the Planning Board various plans and reports required under Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law. During the review process, the Applicant and its professional consultants also submitted revisions to plans in response to requests by the Planning Board and by the various departments within the Town of Framingham that reviewed the Project. These plans, reports, and correspondence are contained in the Planning Board's files and are hereby incorporated into this Decision by reference. Included with the Applicant's submittals were the following:

1. Form A – Application Cover Letter for 1 Edgell Road, Project Number PB-006-015, stamped with the Town Clerk on April 15, 2015;
2. Form E – Site Plan Review for 1 Edgell Road, Project Number PB-006-015, stamped with the Town Clerk on April 15, 2015;

3. Form L – Special Permit for 1 Edgell Road, Project Number PB-006-15, stamped with the Town Clerk on April 15, 2015;
4. Development Impact Statement for 1 Framingham Centre, LLC, dated April 2015;
5. Site Plan for 1 Edgell Road, prepared for Howard Properties Limited Partnership, prepared by MacCarthy & Sullivan Engineering, Inc. dated November 24, 2003; and
6. Letter from Attorney Peter Barbieri, RE: 1 Edgell Road, dated April 14, 2015.

The Planning Board received correspondence from the Framingham Fire Department, the Framingham Police Department, and the Framingham Department of Public Works. The aforesaid correspondence is contained in the Planning Board files and is incorporated herein by reference.

1. Special Permit and Site Plan Review Checklist for Application Submittal for the Project located at 1 Edgell Road, dated April 15, 2015, stamped with the Town Clerk on April 15, 2015;
2. Accela: Comment received from the Framingham Police Department, Comment Received: No Comment, received on April 16, 2015;
3. Accela: Comment received from the Framingham Fire Department, Comment Received: The Fire Department has no objections to the Planning Board applications. The project will need to comply fully with the State Building Code requirements for the change in use, received on April 27, 2015; and
4. Letter of comment from the Framingham Department of Public Works, RE: 1 Edgell Road, Framingham, dated May 15, 2015.

HEARING

During the course of the public hearings, the following individuals appeared on behalf of the Applicant: Attorney Peter Barbieri and Jon Marcus.

Attorney Peter Barbieri presented the project at 1 Edgell Road to the Planning Board. Attorney Barbieri specified that the Applicant filed an application for Site Plan Review, although there are no modifications being made to the property associated with the restaurant use except for the addition of an outdoor seating area. Furthermore, the applicant has submitted a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces to request for a reduction in off-street parking spaces as a result of a change in use from an office to a restaurant use.

Attorney Barbieri stated that the restaurant would be a full service restaurant with a seating capacity of 120 seats, of which 20 seats would be for outdoor seating. It was noted that the restaurant would require 44 off-street parking spaces, compared to the previous office use which required 15 off-street parking spaces. The Planning Board discussed the need for the reduction of off-street parking spaces with the Applicant, and whether there was an adequate amount of parking for all the uses on the site. Attorney Barbieri stated that the site has a large percentage of unused off-street parking spaces and that the mixture of uses amends itself to a restaurant use and will have more than enough off-street parking even with the requested reduction. Attorney Barbieri further noted that the restaurant that currently operates in the plaza is not functioning at full capacity and therefore will not compete for off-street parking spaces.

FINDINGS

Having reviewed all plans and reports filed by the Applicant and its representatives, having considered the correspondence from various Departments within the Town of Framingham that have reviewed the Project and having viewed the site, the Planning Board determines that the Application complies with all applicable provisions of the Framingham Zoning By-law including the requirements for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law. Specifically, the Board makes the following findings:

A. Traffic Impact Standards and Absence of Vehicular Hazard of the Framingham Zoning By-law: §§ VI.F.6.a. and VI.E.3.a.(3)

The Applicant has requested a waiver from the Traffic Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The property is located at 1 Edgell Road at the corner of the Worcester Road/Route 9 westbound exit ramp and Edgell Road. Existing access and egress of 1 Edgell Road is located on the Worcester Road/Route 9 westbound exit ramp and Edgell Road with clear sight lines. A bituminous concrete sidewalk runs along both roadways providing pedestrian and vehicle separation and pedestrian access to the site.

1 Edgell Road is a mixed-use plaza which includes office, restaurant, and retail uses. The uses of the plaza vary in the frequency of use and hours of operation. Therefore, use of the site is mixed throughout the day, dispersing traffic generation with various traffic concentrations throughout the day.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that any new additional traffic demands that may be associated with the Project can be accommodated within the confines of the existing transportation infrastructure. Therefore, the Planning Board finds that the Project satisfies the requirements for Traffic Impact Standards and Absence of Vehicular Hazard as set for in §§ VI.F.6.a. and VI.E.3.a.(3) of the Framingham Zoning By-law.

B. Environmental Impact Standards of the Framingham Zoning By-law: §§ VI.F.6.b. and VI.E.3.(a).(4).

The Project proposes no changes to the site. The Project does not increase the amount of impervious coverage on-site, nor is the Project expected to have any adverse impacts on air quality. Furthermore, the Applicant does not propose to reconstruct or install updates and/or improvements to the existing drainage system. The Project does not impose any flooding, erosion and/or sedimentation issues, nor shall the storage of hazardous materials be stored on-site; the building should not adversely affect temperature or wind conditions; nor shall there be any light or noise impacts caused by the project.

The Project is located in an area with adequate water and sewer system capacity and infrastructure to support the project. The Applicant shall install an internal grease trap as requested by the Department of Public Works.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that the Project does not create any new or exacerbate existing environmental concerns on the site or to the immediate area. Therefore, the Planning Board finds that the Project as proposed complies with the requirements of §§ VI.F.6.b. and VI.E.3.(a).(4) of the Framingham Zoning By-law.

C. Fiscal Impact Standards and Municipal Services of the Framingham Zoning By-law: §§ VI.F.6.c. and VI.E.3.(a).(5).

The Applicant has requested a waiver from the Fiscal Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The Project is expected to have a positive economic benefit to the immediate area and to the Town of Framingham. The current assessed value of 1 Edgell Road is \$3,421,000.00 and it is expected that there will be an increase in the total local tax revenue from \$133,146.00 to \$139,118.00. The estimated value of the proposed improvements to the project will be roughly \$150,000.00. The proposed restaurant anticipates the creation of 10 construction jobs associated with the Project, and will hire approximately 17 full time and 11 part-time employees for operations of the restaurant.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that the Project will have a positive impact on the surrounding neighborhood and the Town. Therefore, the Planning Board finds that the Project as proposed complies with the requirements as set forth in §§ VI.F.6.c. and VI.E.3.(a).(5) of the Framingham Zoning By-law.

D. Community Impact Standards and Site Appropriateness of the Framingham Zoning By-law: §§ VI.F.6.d. and VI.E.3.a.(1).

The Applicant has requested a waiver from the Community Impact Assessment requirement; therefore, the following information is based on findings through submitted documentation and the public hearing process. The Project is located at 1 Edgell Road within a mixed-use plaza, located in the Community Business (B-2) Zoning District, and the Highway Corridor (HC) Overlay District. The site is abutted primarily by office and commercial uses. The Project is consistent with the surrounding like uses. Furthermore, the Applicant agrees to install bicycle racks to further the Town's Complete Streets efforts.

The proposed use as a restaurant requires a Special Permit for use through the Zoning Board of Appeals. The property and building have been used for other restaurant type uses in the past, including: Boston Chicken. On May 14, 2015 the Applicant filed an application with the Zoning Board of Appeals for a Special Permit for use as a restaurant and setback variances.

Therefore, the Planning Board finds that the Project satisfies the Community Impact Standards and Site Appropriateness as forth in §§ VI.F.6.d. and VI.E.3.a.(1) of the Framingham Zoning By-law.

E. Parking Standards and Appropriate Facilities of the Framingham Zoning By-law: §§ VI.F.6.e. and VI.E.3.a.(2).

The Applicant has submitted for review by the Planning Board a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces application and supporting documents. The proposed use will encompass roughly 3,658 square feet of an existing office space within an existing mixed-use plaza for a restaurant use. Based on the Town of Framingham Zoning By-law the proposed 120 seat restaurant with 8 employees will require 44 off-street parking spaces. The prior office use required 15 off-street parking spaces which results in a difference of 29 additional off-street parking spaces. The plaza as a whole requires 204 off-street parking spaces to accommodate the existing uses; however the plaza only has 169 constructed off-street parking spaces. Although there is an increase in the required number of off-street parking spaces associated with the new use, the Applicant has assessed the existing level of parking and finds there are more than enough underutilized off-street parking spaces to accommodate the proposed new use.

The property is located within walking distance to numerous neighborhoods, the Town Centre Common, and Framingham State University. The Applicant will be installing bicycle racks on-site to accommodate those who choose to access the site via an alternative mode of transportation.

Based on the findings as shown in submitted documentation and presented during the public hearing process it can be concluded that the Project provides an appropriate amount of off-street parking for the mixed-use commercial plaza. Therefore, the Planning Board finds that the Project as designed, including the decrease in the number of parking spaces on-site satisfies the Parking Standards and Appropriate Facilities standards as set forth in §§ VI.F.6.e. and VI.E.3.a.(2). of the Framingham Zoning By-law.

CONDITIONS OF APPROVAL

The Board finds that the Application and Plans submitted by the Applicant comply with all applicable provisions of the Framingham Zoning By-law including the requirements for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law.

Accordingly, the Board votes, pursuant to relevant provisions of the Framingham Zoning By-law, to approve the Applications for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law, subject to the following conditions:

General Provisions

1. Prior to the commencement of authorized site activity, the Applicant and the general contractor shall meet with Planning Board Administrator to review this approval.
2. Prior to the commencement of authorized site activity, the Planning Board Office shall be given 48 hour written notice. If activity on the Property ceases for longer than 30 days, 48 hour written notice shall be given to the Planning Board Office prior to restarting work.

3. Prior to the commencement of authorized site activity, the Applicant shall provide to the Planning Board Office the name, address and emergency contact telephone number of the individual or individuals who shall be responsible for all activities on site and who can be reached 24 hours a day, seven days a week.
4. A copy of this Decision shall be kept on the Property.
5. Prior to the issuance of any building permit, an electronic copy of the approved Site Plan shall be provided to the Planning Board Office for distribution to Departments, in order to be reviewed for compliance with this Decision. The Site Plan shall be revised if necessary to reflect the conditions of this Decision. In the event of a discrepancy between the Decision and the Site Plan, the Decision shall take precedence.
6. No material corrections, additions, substitutions, alterations, or any changes shall be made in any plans, proposals, and supporting documents approved and endorsed by the Planning Board without the written approval of the Planning Board. Any request for a material modification of this approval shall be made in writing to the Planning Board for review and approval by the Planning Board or the Planning Board's Administrator and shall include a description of the proposed modification, reasons the modification is necessary, and any supporting documentation.
7. Following notice to the project manager for the Project, members or agents of the Planning Board shall have the right to enter the Site and to gather all information, measurements, photographs or other materials needed to ensure compliance with this approval. Members or agents of the Planning Board entering onto the Site for these purposes shall comply with all safety rules, regulations and directives of the Applicant and the Applicant's contractors.
8. The Applicant shall record this Decision with exhibit(s) at the Middlesex South Registry of Deeds prior to the issuance of a building permit, after the required appeal period has lapsed in accordance with M.G.L., Chapter 40A, Section 17. The Applicant agrees to submit proof of recording to the Planning Board. Failure to record the decision or comply with the conditions of approval herein shall render this Decision null and void.
9. This approval for Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) shall lapse within two years from the date the Decision is recorded at the Middlesex South Registry of Deeds, not including such time required to pursue or await the determination of an appeal from the grant thereof, if a substantial use thereof has not sooner commenced except for good cause as determined by the Planning Board.
10. The failure to comply with the By-laws and/or the terms of this Decision may result in revocation of the Site Plan Review (Section VI.F.) and a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) issued hereunder. The Planning Board shall by first class mail send the owner written notification of any failure to comply with the By-law and/or the terms of this Decision. If the owner believes that it is not in violation, it may request and will be granted an opportunity to attend a Planning Board meeting to try to resolve the alleged violation. If within 30 days from the date of mailing of said notice, the owner has not resolved the matter with the Planning Board, or remedied the alleged violation, it shall be grounds for

revocation of the approvals issued hereunder. At the expiration of the 30 day period, the Planning Board after a duly noticed public hearing, including notice to the owner by first class mail, may revoke the approvals issued hereunder if it finds by a four-fifths vote that there has been a violation of the By-law and/or the terms of this Decision and that the owner has failed to remedy it; alternatively, the Planning Board may continue the public hearing, or by a four-fifth vote extend the time period in which the violation may be corrected.

11. Prior to the issuance of the building permit, the Applicant shall provide all documents and information requested by the Planning Board or Planning Board Administrator demonstrating that the Applicant has complied with, or will comply with, all conditions of this approval.

Infrastructure/Site Design

12. The Applicant shall provide regular maintenance of all facilities. The Applicant shall maintain all on-site drainage in working condition at its own expense, which shall include inspecting the catch basins twice annually (Spring and Fall) and cleaning, if necessary, to remove sediment.
13. Parking pavement markings shall be in white. Fire zone and traffic markings shall be as per the applicable code.
14. Any dumpster or dumpster enclosures on-site shall remain closed and locked except when trash deposit, removal and pickup operations are being conducted.
15. The Applicant shall construct all improvements in compliance with all applicable state and federal regulations with respect to the design of any architectural access features required under the Americans with Disabilities Act (ADA) and with 521 CMR Architectural Access Board Rules and Regulations.

Environment

16. The Applicant agrees to minimize the use of salt in the parking area to reduce any negative impacts to vegetation and ground water.
17. Snow storage shall not be located within off-street parking spaces. Nor shall snow storage obstruct sight lines to preserve public safety. The Applicant agrees to remove excess snow from the site as may be necessary within forty-eight hours after the snow fall ends, in order to preserve public safety.

Department of Public Works

18. The Applicant agrees to comply with the requirements set forth in the letter of comment dated May 15, 2015.

WAIVERS

The Applicant requests the following waivers for Informational Meeting with Residents, Posting of the Community Notice Sign, and application submittal requirements under Sections VI.F.5.a., a-1, 3, 5, 7, 8, 9, 10, 12, 13, 15, 16, b., c., d., and e. and VI.F.5.g(1), (3), and (4):

VI.F.5.a. A site plan at a scale of one inch equals twenty feet (1"=20'), or such other scale as may be approved by the Planning Board. *The only exterior change proposed is the establishment of an outside seating area along Edgell Road. Accordingly, as no changes to the site are proposed, the Applicant has provided an "As-Built" Plan of the property at a scale of 1" = 40'. The size of the lot necessitates the scale, as shown, to avoid match lines on the plan. Therefore, the Applicant requests a waiver from the Scale Requirement.*

Section VI.F.5.a.1. Topography of the property, including contours at a 2 foot interval based on the most recent National Geodetic Vertical Datum (NGVD). *No changes are proposed, the Applicant therefore, requests a waiver of this requirement.*

Section VI.F.5.a.3. Dimensions of proposed buildings and structures, including gross floor area, floor area ratio, total lot coverage of building, and breakdown of indoor and outdoor floor area as to proposed use. Area dimensions to include Lot Coverage of Building, Paved Surface Coverage, and Landscaped Open Space and Other Open Space, with percentages of these items to be provided and to total 100 percent of the lot area. *No changes are proposed, the Applicant therefore, requests a waiver of this requirement.*

Section VI.F.5.a.5. Locations and dimensions, including total ground coverage, of all driveways, maneuvering spaces and aisles, parking stalls and loading facilities, and proposed circulation of traffic. *No exterior changes are proposed, with the exception of the outside seating, which is an area which is already paved. Therefore, the Applicant requests a waiver of the requirements for fully dimensioned parking stalls and ground coverage. Therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.7. Location, size, and type of materials for surface paving, curbing, and wheel stops. *No wheel stops are presently on the site and none are proposed. Further, no proposed changes are being made in the materials. Therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.8. Location, dimension, type and quantity of materials for open space, planting, and buffers where applicable. *No changes are proposed, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.9. Provisions for storm water drainage affecting the site and adjacent parcels, and snow storage areas. Drainage computations and limits of floodways shall be shown where applicable. *No changes are proposed, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.10. A photometric plan showing both the intensity of illumination expressed in footcandles at ground level within to the property boundaries and the location, orientation, height, wattage, type, style and color of outdoor luminaire(s) for all existing and proposed lighting. *No changes are proposed, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.12. Planning Board Signature Block at approximately the same location on each page of the submitted plans. *If requested by the Planning Board, the Applicant can insert a Signature Block at a later date. Otherwise, the Applicant requests a waiver of this requirement.*

Section VI.F.5.a.13. Zoning Table to be located on both the front page of the submitted plans and on the Parking Plan/Site Plan page. *As there are no proposed changes and as the Development Impact Statement provides the necessary zoning information, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.15. An Area designated for the storage of waste and refuse. *There are dumpsters located on the property, and there are no proposed changes to the disposal of waste, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.a.16. Sign submittal showing sign locations and construction details which shall include the following information as may be applicable: a scaled drawing of each proposed sign showing all dimensions, colors, lettering, graphics, materials and type of illumination; scaled drawing showing all dimensions of facades proposed to contain signage and indicating the location and dimensions of the proposed sign and any existing signs; photographs of existing buildings and signs; and sidewalks, curb cuts and any landscaped or other areas in which a freestanding sign is to be placed clearly showing the location of the sign. *At the present time, signage plans are being completed, and the Applicant requests a waiver from the Submission Requirement. The Applicant will submit a sign package during the review process.*

Section VI.F.5.b. A landscape plan at the same scale as the site plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including planting areas with size and type of stock for each shrub or tree. *No changes are proposed, therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.c. An isometric line drawing (projection) at the same scale as the site plan, showing the entire project and its relation to existing areas, buildings and roads for a distance of 100 feet from the project boundaries. *No changes are proposed for the building. Therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.d. A locus plan at a scale of one inch equals 100 feet (1"=100'), or such other distance as may be approved by the Planning Board, showing the entire project and its relation to existing areas, buildings and roads for a distance of 1,000 feet from the project boundaries, or such other distance as may be approved or required by the Planning Board. *Since the site is highly visible and the buildings have been in existence at the site since the 1970's, the Applicant requests a waiver from the Locus Plan Requirement.*

Section VI.F.5.e. Building elevation plans at a scale of one-quarter inch equals one foot (1/4"=1'-0") or one-half inch equals one foot (1/2"=1'-0") or such other scale as may be approved by the Planning Board, showing all elevations of all proposed buildings and structures and indicating the type and color of materials to be used on all facades. *The site and building have been in existence, with the minor exception of the sign installation, no exterior changes are proposed, therefore, the Applicant requests a waiver of this requirement.*

Section VI.F.5.g.(1) Traffic Impact Assessment *The Project only entails Minor Site Plan Review, a Traffic Assessment is not required. Therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.g.(3) Fiscal Impact Assessment *The Project only entails Minor Site Plan Review, a Fiscal Impact Assessment is not required. Therefore, the Applicant requests a waiver from this Requirement.*

Section VI.F.5.g.(4) Community Impact Assessment *The Project only entails Minor Site Plan Review, a Community Impact Assessment is not required. Therefore, the Applicant requests a waiver from this Requirement.*

VOTE

Waiver Requests

The vote five in favor and zero opposed to granting relief from the Informational Meeting with Residents, Posting of the Community Notice Sign, and application submittal requirements under Sections VI.F.5.a., a-1, 3, 5, 7, 8, 9, 10, 12, 13, 15, 16, b., c., d., and e. and VI.F.5.g(1), (3), and (4) of the Framingham Zoning By-law.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Special Permit for a Reduction in the Required Number of Parking Spaces (Section IV.B.1.c. and VI.E.) of the Framingham Zoning By-laws

The vote five in favor and zero opposed to granting a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law. The Application was filed to change the use of approximately 3,658 square feet of space from office to a 120 seat restaurant which will include 20 exterior seats resulting in the need for 29 additional off-street parking spaces at Edgell Road.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

Site Plan Review (Section VI.F.) of the Framingham Zoning By-law

The vote five in favor and zero opposed to granting a Special Permit for a Reduction in the Required Number of Off-Street Parking Spaces (Section IV.B.1.c. and VI.E.) in accordance with the Framingham Zoning By-law. The Application was filed to change the use of approximately 3,658 square feet of space from office to a 120 seat restaurant which will include 20 exterior seats resulting in the need for 29 additional off-street parking spaces at Edgell Road.

Christine Long.....yes
Stephanie Mercandetti.....yes
Lewis Colten.....yes
Thomas F. Mahoney.....yes
Victor Ortiz.....yes

By: _____
Christine Long, Chairperson Framingham Planning Board

Date of Signature: May 18, 2015